

On October 17, 1931, the United States attorney filed in the District Court of the United States of the district aforesaid an information against Preston Lowe, Oyster, Va., alleging shipment by said defendant in violation of the food and drugs act, in various consignments, on or about December 13, 1930, January 22, January 27, January 28, January 29, February 24, and February 26, 1931, from the State of Virginia into the State of New York, and on or about January 22 and January 23, 1931, from the State of Virginia into the State of Massachusetts, of quantities of scallops that were adulterated and misbranded. The article was labeled in part: (Cans) "Scallops."

Adulteration was alleged in the information for the reason that a substance, excessive water, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that scallop solids, a valuable constituent of the article, had been in part abstracted.

Misbranding was alleged for the reason that the statement, "Scallops," borne on the can containing the article, was false and misleading in that the said statement represented that the article consisted wholly of scallops; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of scallops; whereas it did not so consist but did consist in part of excessive water. Misbranding was alleged for the further reason that the article was composed in part of excessive water and was deficient in scallop solids, and was offered for sale and sold under the distinctive name of another article, to wit, scallops.

On November 19, 1931, the defendant entered a plea of guilty to the information and the court imposed a fine of \$150, which fine was suspended for two years.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19213. Misbranding of butter. U. S. v. Richmond Cooperative Association (Inc.). Plea of guilty. Fine, \$10. (F. & D. No. 25731. I. S. No. 5572.)**

Samples of butter from the shipment herein described having been found short of the declared weight, the Secretary of Agriculture reported the matter to the United States attorney for the District of Vermont.

On July 3, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Richmond Cooperative Association (Inc.), Richmond, Vt., alleging shipment by said defendant in violation of the food and drugs act as amended, on or about July 29, 1930, from the State of Vermont into the State of Massachusetts, of a quantity of butter that was misbranded. The article was labeled in part: "Pure Creamery Butter Richmond Cooperative Association Inc. Hump Brand Richmond, Vermont \* \* \* 16 Ounces Net Weight."

Misbranding was alleged in the information for the reason that the statement "16 Ounces Net Weight," borne on the packages containing the article, was false and misleading in that the said statement represented that the packages each contained 16 ounces of butter; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages each contained 16 ounces of butter; whereas they did not contain 16 ounces but did contain in each package, with one exception, less than 16 ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 12, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19214. Adulteration of scallops. U. S. v. Ufford W. Hine. Plea of guilty. Fine, \$100. Sentence suspended. (F. & D. No. 26583. I. S. Nos. 28957, 28969.)**

Samples of scallops from the shipments herein described having been found to contain excessive water, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Virginia.

On October 17, 1931, the United States attorney filed in the District Court of the United States of the district aforesaid an information against Ufford W. Hine, Cape Charles, Va., alleging shipment by said defendant in violation of the food and drugs act, in part on or about February 28, 1931, and in part on

or about March 4, 1931, from the State of Virginia into the State of New York, of quantities of scallops that were adulterated.

Adulteration was alleged in the information for the reason that a substance, excessive water, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that scallop solids, a valuable constituent of the article, had been in part abstracted.

On November 16, 1931, the defendant entered a plea of guilty to the information and the court imposed a fine of \$100, which fine was suspended for two years.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19215. Adulteration of butter. U. S. v. 300 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond, to be reworked. (F. & D. No. 27116. I. S. Nos. 36429, 36430. S. No. 5178.)**

Samples of butter from the shipments herein described having been found to contain less than 80 per cent by weight of milk fat, the standard prescribed by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Ohio.

On August 27, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 600 tubs of butter, remaining in the original unbroken packages at Cincinnati, Ohio, consigned in part on or about July 13, 1931, and in part on or about August 8, 1931, alleging that the article had been shipped by the Merchants Creamery Co., from Springfield, Mo., and had been transported in interstate commerce from the State of Missouri into the State of Ohio, and charging adulteration in violation of the food and drugs act as amended.

It was alleged in the libels that the article was adulterated in that a product deficient in milk fat had been substituted for butter, which the said article purported to be. Adulteration was alleged for the further reason that the article contained less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923.

On October 28, 1931, the Merchants Creamery Co., claimant, having admitted the allegations of the libels and having consented to the entry of decrees and the court having found that a total of 30 tubs of the product were adulterated, judgment was entered condemning and forfeiting the said 30 tubs, and it was ordered by the court that they be released for reworking under the supervision of this department, upon payment of costs and the execution of bonds totaling \$1,200, conditioned in part that they should not be sold or disposed of contrary to the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**19216. Misbranding of black pepper and mustard. U. S. v. 54 Dozen Cans of Black Pepper and 60 Dozen Cans of Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 26241, 26242. I. S. Nos. 22116, 22119. S. No. 4560.)**

Samples of black pepper and mustard from the shipment herein described having been found to be short weight, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On April 14, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 54 dozen cans of black pepper and 60 dozen cans of mustard, remaining in the original unbroken packages at Oakland, Calif., alleging that the articles had been shipped on or about January 8, 1931, by the W. T. Rawleigh Co., from Freeport, Ill., and had been transported in interstate commerce from the State of Illinois into the State of California, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part: (Cans of pepper) "Net Weight 3¼ Oz. Rawleigh's Pure Granulated Pepper \* \* \* W. T. Rawleigh Co., Freeport, Ill.;" (cans of mustard) "Net Weight 3 Oz. Rawleigh's Pure Mustard."

It was alleged in the libel that the articles were misbranded in that the statements, "Net Weight, 3¼ Oz." on the cans containing the pepper, and "Net Weight 3 Oz." on the cans containing the mustard, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the fur-